

Amendments to the Drawings

The attached sheets of drawings includes changes to Figs. 1, 2A, 2B, 3, and 4. These sheets, which includes Figs. 1, 2A, 2B, 3, and 4, replaces the original sheets including Figs. 1, 2A, 2B, 3, and 4. Figs. 1, 2A, 2B, and 3 are amended to include "Prior Art" labels, respectively. In Figs. 1, 2A, 2B, 3, and 4, the legend "Subscribers' network interfaces" is replaced with -- Subscriber network interfaces--.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes

REMARKS

At the time of the Office Action dated July 5, 2007, claims 1-10 were pending in this application. In this Amendment, claims 1-10 have been amended, and new claim 11 added. A Substitute Specification is submitted concurrently with this Amendment to amend the specification. Figs. 1, 2A, 2B, 3, and 4 have also been amended. Care has been exercised to avoid the introduction of new matter. Support for the Amendment can be found in, for example, Figs. 4, 4A, and 5-7, and relevant description of the specification. Specifically, new claim 11 is prepared based on original claim 4.

Claims 1-11 are now active in this application, of which claim 1 is independent.

Correction of Specification and Drawings

The Examiner requested correction of errors in the specification and drawings (paragraph 2 of the Office Action). Applicants reviewed the specification and drawings. As a result, a Substitute Specification has been submitted to clarify the disclosed subject matter, and Figs. 1, 2A, 2B, 3, and 4 have been amended to replace the legend "Subscribers' network interfaces" with --Subscriber network interfaces--.

Drawings

The Examiner requires Figures 1, 2A, 2B, and 3 to be designated by a legend such as --Prior Art--. Applicants amended figures as suggested by the Examiner. Withdrawal of the objection to the drawings is, therefore, respectfully solicited.

Specification

Objection has been made to the abstract of the disclosure because the word “said” is used in the abstract. In response, correction has been made to the abstract. Withdrawal of the objection to the specification is, therefore, respectfully solicited.

Claim Objections

Claim 4 has been objected to because according to the Examiner, the claim is in improper form. Claim 4 has been amended to be dependent on claim 1. Applicants believe that this amendment addresses the Examiner’s concern. Withdrawal of the objection to the claim is, therefore, respectfully solicited.

Claims 1 and 8 have been rejected under 35 U.S.C. § 112, second paragraph.

Regarding claim 1, the Examiner asserted that there is insufficient antecedent basis for the limitations “said interface device” and “said virtual interface processing unit.” Applicants submit that the antecedent basis for the limitation “said interface device” can be found in line 15 of original claim 1, and in lines 13-14 of amended claim 1. The limitation “said virtual interface processing unit” has been deleted from claim 1.

With respect to claim 8, the Examiner asserted that there is also insufficient antecedent basis for limitations “said virtual private,” “the control interface unit,” “the rule database,” and “the rule type.” The limitation “said virtual private” has been deleted from claim 8. Claim 8 has been amended to be dependent on claim 1. Thus, the limitations “the control interface unit” and “the rule database” each have the antecedent basis in claim 1. The limitation “the rule type” has been replaced with -- a rule type--.

The Examiner further asserted that it is unclear as to whether the limitations “processing device,” “virtual private processing unit,” and “virtual interface processing unit” are the same or different units. As indicated above, the limitation “virtual interface processing unit” has been deleted from claim 1.

In response, Applicants stress that it is apparent that the limitations “processing device” and “virtual private processing unit” are different from each other. In particular, the “virtual private processing unit” is a component of the virtual private device, and the virtual private device and the “processing device” are components of the data converting device.

Accordingly, Applicants respectfully solicit withdrawal of the rejection of claims 1 and 8 under 35 U.S.C. §112, second paragraph.

Claims 1-10 have been rejected under the judicially created doctrine of obviousness type double patenting as being a patentable over claims 1-8 of US Patent No. 7,016,979 (“979 patent”).

In the statement of the rejection, the Examiner asserted that the claims are identical in functionalities and they are not patentability distinct from each other because subject matter claimed in the instant application is truly described in the patent and is covered by the patent, since the patent and application are claiming common subject matter. Applicants respectfully traverse this rejection.

Applicants emphasize that claims 1-10 are not obvious variations of claims 1-8 of the ‘979 patent. The virtual private processing unit, recited in claim 1, which is adapted for detecting control messages and converging or diverging the data frames other than the control messages is not disclosed in claims 1-8 of the ‘979 patent. Accordingly, claims 1-8 of the ‘979

patent do not disclose or suggest detecting control messages and converging or diverging the data frames other than the control messages.

The system including the virtual private processing unit is configured for accessing and transmitting different data frames in a digital transmission network, as claimed. Through this system, a virtual private service can be provided. However, the '979 patent does not have a function of a providing virtual private service.

Accordingly, claim 1 of the present application are structurally and functionally different from claims 1-8 of the '979 patent. Applicants, therefore, submit that claim 1 is not an obvious variation of the claims 1-8 of the '979 patent. The above discussion is applicable to claims 2-10. Because claims 1-10 are not obvious variations of the claims 1-8 of the '979 patent, Applicants respectfully solicit withdrawal of the rejection of claims and favorable consideration thereof.

New claim 11

Applicants believe that new claim 11 is patentably distinguishable over the '979 patent at least because the claim include all the limitations recited in independent claim 1. Favorable consideration is, therefore, respectfully solicited.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

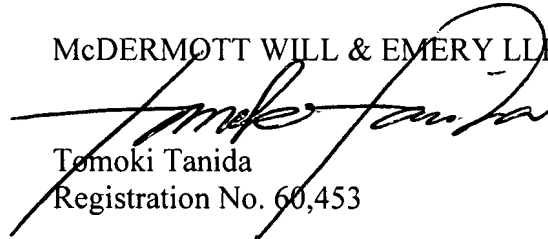
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'Tomoki Tanida', is written over the printed name and registration number.

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